



1. TITLE OF RULE FILING:

**Vermont Joint Quarantine No. 1 (Scleroderris Canker)**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

21P-026

3. ADOPTING AGENCY:

Department of Forests, Parks and Recreation/Agency of  
Agriculture, Food and Markets

4. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: David Huber

Agency: Agency of Agriculture, Food and Markets

Mailing Address: 116 State Street, Montpelier, Vermont  
05620

Telephone: 802 461 - 7160 Fax: -

E-Mail: david.huber@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://agriculture.vermont.gov/>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Joshua Halman

Agency: Department of Forests, Parks, and Recreation,  
Agency of Natural Resources

Mailing Address: Davis 2, 1 National Life Drive,  
Montpelier, Vermont 05620

Telephone: 802 279 - 9999 Fax: -

E-Mail: joshua.halman@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

6 V.S.A. §§ 1031, 1032(1), 1034.

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

The Secretary of the Vermont Agency of Agriculture, Food and Markets (VAAFM) may establish and maintain quarantines. When the word "Secretary" is used in sections 1033 and 1034 of this title, it shall mean either the Secretary of VAAFM or the Commissioner of Forests, Parks and Recreation.

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

Joint Quarantine #1 was established to control the spread of Scleroderris Canker - a disease which can cause mortality in species of pine trees. This filing is to repeal the Scleroderris Canker Joint Quarantine. The repeal is necessary because there has been a substantial lack of evidentiary findings or complaints regarding this disease in Vermont and phytosanitary certificates have not been requested by the regulated community. The repeal is necessary because online records demonstrate this disease has not been reported in the state going back to at least 2011. Since State personnel have not detected this disease, this quarantine cannot be justified because continuing to

**Final Proposed Coversheet**

maintain the rule may cause unnecessary worry for the public and regulated community. Additionally, nursery rules already regulate the primary means of dispersal - moving the fungus on live trees. The rule is not needed to export pine products from Vermont.

**15. EXPLANATION OF WHY THE RULE IS NECESSARY:**

The repeal is necessary because there has been a substantial lack of evidentiary findings or complaints regarding this disease in Vermont and phytosanitary certificates have not been requested. The repeal is necessary because online records demonstrate this disease has not been reported going back to at least 2011. Since State personnel have not detected this disease, this quarantine cannot be justified because continuing to maintain the rule may cause unnecessary worry for the public and regulated community. Nursery rules already regulate the primary means of dispersal - moving the fungus on live trees. The rule is not needed to export pine products from Vermont.

**16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

Maintainence of this rule is arbitrary because the disease is no longer present in Vermont as observed by VAAFM, Forest Parks and Recreation, and the public.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

VAAFM; Vermont Department of Forests, Parks and Recreation; Nurseries; and Christmas Tree Growers.

**18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

No economic impacts from repealing the rule are expected. Nursery inspections will continue under 6 V.S.A. § 4023.

**19. A HEARING WAS NOT HELD.**

**20. HEARING INFORMATION**

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date:

Final Proposed Coversheet

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

8/26/2021

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Scleroderris Canker

Nursery

Forest

Christmas tree

Quarantine

# Administrative Procedures – Adopting Page

## **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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**Vermont Joint Quarantine No. 1 (Scleroderris Canker)**

2. ADOPTING AGENCY:

Department of Forests, Parks and Recreation/Agency of  
Agriculture, Food and Markets

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A REPEAL OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

SOS Log#86-27 Vermont Joint Quarantine No. 1  
(Scleroderris Canker) June 30, 1987.



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** July 12, 2021, Physical Location: 109 State Street, 5<sup>th</sup> Floor Conference Room, Montpelier VT; Virtual Meeting: Microsoft Teams  
**Members Present:** Chair Kristin Clouser, Dirk Anderson, Diane Bothfeld, Jennifer Mojo, John Kessler, Matt Langham, Diane Sherman  
**Members Absent:** Ashley Berliner, Clare O'Shaughnessy  
**Minutes By:** Melissa Mazza-Paquette and Diane Bothfeld

- 2:12 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the June 14, 2021 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Note: The following emergency rules were supported by ICAR Chair Clouser:
  1. 'Access to Health Care Services Related to COVID-19' by the Department of Financial Regulation on 6/30/21.
  2. 'Interim Rules for Clinical Pharmacy' by the Secretary of State, Office of Professional Regulation on 7/7/21.
  3. PUC Emergency Rule 2.600 COVID-19 Emergency Procedures' by the Public Utility Commission on 7/9/21.
- Presentation of Proposed Rules on pages 2-7 to follow.
  1. Hemlock Woolly Adelgid Quarantine, Agency of Agriculture, Food and Markets, page 2
  2. Vermont Joint Quarantine No. 1 (Scleroderris Canker), Agency of Agriculture, Food and Markets, page 3
  3. Hospital Licensing Rule, Agency of Human Services, page 4
  4. Administrative Rules for Veterinarians, Secretary of State, Office of Professional Regulation, page 5
  5. Independent School Program Approval, State Board of Education, page 6
  6. Vermont Use of Public Waters Rules, Agency of Natural Resources, page 7
- Next scheduled meetings:
  - Wednesday, July 14, 2021 - Review of ICAR Forms with the Office of the Secretary of State
  - Monday, August 9, 2021 at 2:00 p.m. – Monthly ICAR meeting
- 3:49 p.m. meeting adjourned.

**Proposed Rule: Vermont Joint Quarantine No. 1 (Scleroderris Canker), Agency of Agriculture, Food and Markets**

**Presented By: David Huber, Zach Szczukowski**

Motion made to accept the rule by Dirk Anderson, seconded by John Kessler, and passed unanimously except for Diane Bothfeld who abstained, with the following recommendations:

1. Proposed Rule Coversheet, #10: Include reasoning.
2. Proposed Rule Coversheet, #8: Include more detail including the reasoning – can use information from #9.
3. Change all “not applicable” answers to “no impact” where appropriate.
4. Economic Analysis #3 C: Clarify impact language for consistency.
5. Economic Analysis #8 and #9: Clarify uncertainty/unnecessary worry for regulated communities.

# Administrative Procedures – Economic Impact Analysis

## **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 2. ADOPTING AGENCY:

Department of Forests, Parks and Recreation/Agency of  
Agriculture, Food and Markets

### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

A. Nurseries: Neutral impact. Nursery inspections will continue under 6 V.S.A. § 4023. Movement of infected trees continues to be prohibited under 6 V.S.A. § 1035.

B. Christmas tree growers: Neutral impact. Pine species, the species most susceptible to the disease, are not commonly grown for Christmas trees.

## Economic Impact Analysis

C. VAAFM: Positive impact. VAAFM will no longer be required to regulate this disease and will be able to dedicate resources and staff to other regulated activities.

D. Vermont Department of Forests, Parks and Recreation: Positive impact. Vermont Department of Forests Parks and Recreation will no longer be required to regulate this pest and will be able to dedicate resources and staff to other regulated activities.

### 4. IMPACT ON SCHOOLS:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

No impact.

### 5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

No alternatives.

### 6. IMPACT ON SMALL BUSINESSES:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

See Item #3 RE Nurseries and Christmas tree growers.

### 7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

No impact.

### 8. COMPARISON:

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

Maintain the Existing Rule: The rule causes economic impacts because it creates unnecessary worry among the regulated community in how it applies to moving regulated articles within Vermont.

Repeal the Existing Rule: Repealing the rule will eliminate uncertainty for the regulated community and enable both VAAFM and the Department of Forests, Parks

## Economic Impact Analysis

and Recreation to dedicate resources and staff to other regulated activities. This is the most appropriate method.

### 9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

This economic analysis is based on the substantial lack of evidentiary findings or complaints regarding this disease in Vermont; State personnel have not detected this disease in over ten years; and the regulated community does not proffer any complaints or requests for certificates regarding this disease.

# Administrative Procedures – Environmental Impact Analysis

## **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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### 2. ADOPTING AGENCY:

Department of Forests, Parks and Recreation/Agency of Agriculture, Food and Markets

### 3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

No known impact. We are not aware of impacts of Scleroderris canker on greenhouse gases because the disease does not appear to be present in Vermont.

### 4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

No known impact. We are not aware of impacts of Scleroderris canker on water because the disease does not appear to be present in Vermont.

### 5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

No known impact. We are not aware of impacts of

## Environmental Impact Analysis

Scleroderris canker on land because the disease does not appear to be present in Vermont.

**6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:***

No known impact. We are not aware of impacts of Scleroderris canker on recreation because the disease does not appear to be present in Vermont.

**7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:***

No known impact. We are not aware of impacts of Scleroderris canker on climate because the disease does not appear to be present in Vermont.

**8. OTHER: *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:***

No impact.

**9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.***

This environmental analysis is based on the substantial lack of evidentiary findings or complaints regarding this disease in Vermont; State personnel have not detected this disease in over ten years; and the regulated community does not proffer any complaints or requests for certificates regarding this disease.

# Administrative Procedures – Public Input

## **Instructions:**

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

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1. TITLE OF RULE FILING:

**Vermont Joint Quarantine No. 1 (Scleroderris Canker)**

2. ADOPTING AGENCY:

Department of Forests, Parks and Recreation/Agency of  
Agriculture, Food and Markets

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO  
MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE  
PROPOSED RULE:

VAAFM will conduct outreach to the nursery industry, landowners, Christmas tree growers, and greenhouses through direct contact with the regulated community. Outreach to natural resources interest groups, the forestry community, and interested landowners and members of the public will be conducted by contacting over 500 addresses on the Department of Forests, Parks and Recreation forest health email list.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO  
COMPLY WITH THAT STRATEGY:

VAAFM will conduct outreach to the nursery industry, landowners, Christmas tree growers, and greenhouses through direct contact with the regulated community.

## Public Input

Outreach to natural resources interest groups, the forestry community, and interested landowners and members of the public will be conducted by contacting over 500 addresses on the Department of Forests, Parks and Recreation forest health email list.

### 5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

USDA Animal and Plant Health Inspection Service and the US Forest Service

State of New York forestry agency

Vermont Department of Agriculture/Department of Forests, Parks & Recreation  
Joint Quarantine No. 1

**Section I: Definitions.**

For the purpose of these regulations, the following words, names, and terms shall be construed, respectively to mean:

- (a) Scleroderris canker. The disease known as Scleroderris canker, caused by the fungus Gremmeniella abietina (Lagerb.) Morelet (Scleroderris lagerbergii Gremmen) in any stage of development.
- (b) Infection. Refers to the presence of Scleroderris canker.
- (c) Inspector. An inspector of the Vermont State Department of Agriculture, Vermont State Department of Forests, Parks, and Recreation, or of the United States Department of Agriculture, when authorized by the Commissioner to act in that capacity.
- (d) Moved, movement. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, carried, transported, moved, or allowed to be moved from the quarantined area into or through any other portions of the State.
- (e) Certificate. A valid form certifying the eligibility of products for movement outside of the quarantined area under the requirement of these regulations.
- (f) Limited permit. A valid form authorizing the movement of regulated article from a quarantined area to a specified destination for specific processing, handling, or utilization.
- (g) Commissioner. The Commissioner of Agriculture and the Commissioner of Forests, Parks, and Recreation of the State of Vermont.
- (h) Deregulation, deregulated. The removal of quarantine restrictions from regulated articles or quarantined areas due to satisfactory control measures to arrest or eradicate the disease.
- (i) Premise quarantine. A limited action taken by the Commissioner to immediately place under regulation any field, tree, or plantation found to be infected with Scleroderris canker.

**Section II: Quarantined areas.**

The following counties or towns, or parts thereof, of the State of Vermont are declared to be quarantined areas:

(a) The towns of:

ADDISON COUNTY	LAMOILLE COUNTY	WASHINGTON COUNTY
Ripton	Belvidere	Barre
Starksboro	Cambridge	Berlin
-	Eden	Cabot
CALEDONIA COUNTY	Elmore	Calais
Barnet	Hyde Park	Duxbury
Burke	Johnson	East Montpelier
Danville	Morristown	Marshfield
Groton	Stowe	Middlesex
Hardwick	Waterville	Montpelier City
Kirby	Wolcott	Moretown
Lyndon	-	Northfield

Newark	ORANGE COUNTY	Plainfield
Peacham	Brookfield	Roxbury
St. Johnsbury	Chelsea	Waterbury
Sheffield	Orange	Woodbury
Stannard	Washington	Worcester
Sutton	Williamstown	
Walden		
Wheelock	ORLEANS COUNTY	
-	Albany	
CHITTENDEN COUNTY	Barton	
Essex	Brownington	
Milton	Charleston	
Underhill	Craftsbury	
Westford	Glover	
-	Greensboro	
ESSEX COUNTY	Irasburg	
Brighton	Lowell	
Maidstone	Morgan	
-	Troy	
FRANKLIN COUNTY	Westfield	
Bakersfield	Westmore	
Berkshire		
Enosburg Falls		
Fairfax		
Montgomery		
Richford		

~~(b) Upon discovery of new infections in unregulated towns, the Commissioner may issue written orders establishing premise quarantines for articles regulated by the quarantine.~~

~~**Section III: Regulated articles.**~~

~~(a) Prohibited movement. The movement in this State of Scleroderris canker in any stage of development, whether moved independent of or in connection with any other article, is prohibited, except as provided in Section IV hereof.~~

~~(b) Regulated movement. The following articles shall not be removed from a quarantined area except under a limited permit or unless accompanied by a certificate indicating freedom from infection:~~

~~(1) Nursery stock, Christmas trees, wreaths, branches, twigs, or parts thereof except logs and pulpwood, of any species of Pinus which are grown in any forest, field, nursery, or greenhouse.~~

~~(2) Any other commodity or article when found on inspection to be infected with Scleroderris canker in any of its stages.~~

**Section IV:** ~~Conditions governing the issuance of certificates and permits.~~

~~(a) Certificates. Certificates may be issued by an inspector for the movement of regulated articles under one or more of the following conditions:~~

~~(1) When they have been inspected and found apparently free from infection;~~

~~(2) When they have been treated or processed by methods approved by the Commissioner; or~~

~~(3) When they have been grown, produced, manufactured, stored or handled in such a manner that, in the judgment of the inspector, they have not been exposed to infection or if no infection would be transmitted by the shipment thereof: provided that subsequent to certification the regulated articles will be loaded, handled, and shipped under such protection and safeguards against re-infection as are required by the inspector.~~

~~(b) Limited permits. Limited permits may be issued for the movement of non-certified regulated articles to specified destinations for specified processing, handling, or utilization. Persons shipping, transporting, or receiving such articles may be required to enter into written dealer-carrier agreements to maintain such sanitation safeguards against the establishment and spread of infection and to comply with such conditions as to the maintenance of identity, handling, processing, or subsequent movement of regulated products as may be required by the inspector. Failure to comply with conditions of the agreement will result in its cancellation.~~

~~(c) Cancellation of certificates or limited permits. Certificates or limited permits issued under these regulations may be withdrawn or canceled by the inspector and further certifications refused whenever in his judgment the further use of such certificates or permits might result in the dissemination of infection.~~

~~(d) Removal of quarantine restrictions. Upon completion of control measures found to be acceptable to the Commissioner, certain items or areas may be deregulated by the Commissioner. Such deregulations shall be based on the absence of Scleroderma canker from the articles or areas, and the reduced probability that movement of materials will constitute further dissemination of the disease~~

**Section V:** ~~Inspection and disposition of shipments.~~

~~Any car or other conveyance, any package or other container, and any article to be moved, which is moving or which has been moved from the quarantined area, which contains, or which the inspector has probable cause to believe may contain infection, or articles regulated under this quarantine, may be examined by an inspector at any time or place. When articles are found to be moving or to have been moved in violation of these regulations, the inspector may take such action as he deems necessary to eliminate the danger of dissemination of infection.~~

**Section VI:** ~~Marking requirements.~~

~~Every container of regulated articles intended for movement from the quarantined areas shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or limited permit issued in compliance with these regulations: provided, that (1) One certificate may be attached to one of the containers and another to the waybill; and for carlot freight or express shipment, either in containers or in bulk, a certificate need be attached to the waybill only and a placard to the outside of the car, showing the number of the certificate accompanying the waybill; (2) For movement by road vehicle, the certificate shall accompany the vehicle and be surrendered to consignee upon delivery or shipment; (3) For movement of regulated material by personal vehicle, the certificate number shall appear on the bill of sale.~~

**Section VII:** ~~Shipments for experimental and scientific purposes.~~

~~Regulated articles may be moved from the quarantined area for experimental or scientific purposes, on such conditions and under such safeguards as may be approved by the Commissioner. The container of articles so moved shall bear, securely attached to the outside thereof, a certificate showing compliance with such conditions.~~

**Section VIII:** ~~Statement of origin of regulated articles.~~

~~Every person selling, or delivering, or attempting to sell, or deliver or ship regulated articles as defined in Section III hereof, in this State, shall accompany each such load, bundle, package, or shipment of the same with legible written statement of origin which shall contain the address of the lands on which such regulated articles were grown, obtained, or cut; the name and address of the consignor.~~

~~This quarantine shall become effective~~

~~Ron Allbee  
Commissioner of Agriculture~~

~~Attorney General's Office~~

~~Mollie Beattie  
Commissioner of Forests, Parks & Recreation~~

~~Madeleine M. Kunin  
Governor of Vermont~~

VERMONT **GENERAL ASSEMBLY**

# The Vermont Statutes Online

## Title 6 : Agriculture

### Chapter 084 : Pest Survey, Detection, And Management

(Cite as: 6 V.S.A. § 1031)

#### **§ 1031. Functions of Secretary of Agriculture, Food and Markets and Commissioner of Forests, Parks and Recreation cooperation**

Under the provisions of this chapter, the Secretary of Agriculture, Food and Markets shall have jurisdiction over plans for the survey, detection, and management of agricultural plant pests, and the Commissioner of Forests, Parks and Recreation over plans for the survey, detection, and management of forest pests. When the word "Secretary" is used in sections 1033 and 1034 of this title, it shall mean either the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation. The two officials shall cooperate with each other on jointly operated projects to avoid duplication of efforts or duties. (Added 1995, No. 68 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 121 (Adj. Sess.), § 87, eff. June 8, 2004.)

# The Vermont Statutes Online

## **Title 6 : Agriculture**

### **Chapter 084 : Pest Survey, Detection, And Management**

(Cite as: 6 V.S.A. § 1032)

#### **§ 1032. Powers of the Secretary**

The Secretary in furtherance of the purposes of this chapter may:

(1) Adopt and amend rules as he or she deems necessary in order to carry out the provisions of sections 1033, 1034, 1035, and 1040 of this chapter.

(2) Appoint assistants, subject to applicable laws and rules, to perform or assist in the performance of any of the duties or functions of the Secretary under this chapter.

(3) Excluding private domiciles and curtilage, enter any premises, public or private, as may be necessary to carry out the provisions of this chapter. Whenever practicable, advance notice of a proposed survey or examination shall be given to the owner or occupant of the property to be entered.

(4) Solicit and receive federal or private funds.

(5) Cooperate with the federal government and any agencies, departments, and instrumentalities of the federal government, the State of Vermont and any agencies, departments, divisions, or political subdivisions of the State, and any other state or commonwealth and any agencies, departments, or political subdivisions of a state or commonwealth, in order to carry out the provisions of this chapter.

(6) Enter into compliance agreements with any person engaged in growing, handling, or moving regulated articles, plant pests, plants, or plant products. (Added 1995, No. 68 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)

VERMONT **GENERAL ASSEMBLY**

# The Vermont Statutes Online

## Title 6 : Agriculture

### Chapter 084 : Pest Survey, Detection, And Management

(Cite as: 6 V.S.A. § 1034)

#### § 1034. Quarantines

The Secretary may establish and maintain quarantines and adopt other orders and rules pursuant to 3 V.S.A. chapter 25 concerning the planting, exposing, sale, importation, and transportation of all plants and plant products and regulated articles capable of carrying plant pests of an injurious nature in any living stage within the State. (Added 1995, No. 68 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)



# Proposed Rules Postings

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### Deadline For Public Comment

Deadline: Aug 26, 2021

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

### Rule Details

Rule Number:	21P026
Title:	Vermont Joint Quarantine No. 1 (Scleroderris Canker).
Type:	Standard
Status:	Proposed
Agency:	Agency of Agriculture, Food and Markets
Legal Authority:	6 V.S.A. §§ 1031, 1032(1), and 1034.
Summary:	Joint Quarantine #1 was established to control the spread of Scleroderris Canker - a disease which can cause mortality in species of pine trees. This filing is to repeal the Scleroderris Canker Joint Quarantine. The repeal is necessary because there has been a

substantial lack of evidentiary findings or complaints regarding this disease in Vermont and phytosanitary certificates have not been requested by the regulated community. The repeal is necessary because online records demonstrate this disease has not been reported in the state going back to at least 2011. Since State personnel have not detected this disease, this quarantine cannot be justified because continuing to maintain the rule may cause unnecessary worry for the public and regulated community. Additionally, nursery rules already regulate the primary means of dispersal -moving the fungus on live trees. The rule is not needed to export pine products from Vermont.

Persons Affected: Vermont Agency of Agriculture, Food and Markets (VAAF); Vermont Department of Forests, Parks and Recreation; Nurseries; and Christmas Tree Growers.

Economic Impact: No economic impacts from repealing the rule are expected. Nursery inspections will continue under 6 V.S.A. § 4023.

Posting date: Aug 04,2021

## Hearing Information

There are not Hearings scheduled for this Rule

## Contact Information

### Information for Primary Contact

**PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.**

Level: Primary

Name: David Huber

Agency: Agency of Agriculture, Food and Markets

Address: 116 State Street

City: Montpelier

State: VT

Zip: 05620

Telephone: 802-461-7160

Fax:

Email: david.huber@vermont.gov



Website Address: https://agriculture.vermont.gov



**Information for Secondary Contact**

**SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.**

Level: Secondary  
Name: Joshua Halman  
Agency: Department of Forests, Parks, and Recreation, Agency of Natural Resources  
Address: 1 National Life Drive, Davis 2  
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**Keyword Information**

Keywords:  
Scleroderris Canker  
Nursery  
Forest  
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Quarantine



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<b>TO:</b>	Burlington Free Press Dave Heney ( <a href="mailto:dheney@freepressmedia.com">dheney@freepressmedia.com</a> )	Tel: 863-3441 FAX: 863-4702 Attn: Display Ads
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	The Islander ( <a href="mailto:islander@vermontislander.com">islander@vermontislander.com</a> )	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer ( <a href="mailto:hunter.press.vermont@gmail.com">hunter.press.vermont@gmail.com</a> )	Attn: Will Hunter

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**FROM:** APA Coordinator, VSARA

**Date of Fax:** August 4, 2021

**RE:** The "Proposed State Rules " ad copy to run on

**August 12, 2021**

PAGES INCLUDING THIS COVER MEMO:

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**\*NOTE\* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

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If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail [sos.statutoryfilings@vermont.gov](mailto:sos.statutoryfilings@vermont.gov), Thanks.

## PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/> . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

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Hemlock Woolly Adelgid Quarantine.

Vermont Proposed Rule: 21P025

AGENCY: Agriculture, Food & Markets

CONCISE SUMMARY: The hemlock woolly adelgid is an invasive, sap-sucking insect that causes mortality in hemlock trees across the eastern seaboard and other parts of the United States through its feeding. This amendment is necessary to protect Vermont's hemlock resource as hemlock woolly adelgid (HWA) was first reported in Vermont in 2007 and is now established within the state. The existing rule is an external quarantine and only prohibits entry of regulated articles into Vermont. This creates confusion about movement of hemlock from infested counties within Vermont. The amendment is necessary because the existing rule regulates logs, lumber, and chips which, over the past thirty years in Vermont, have not been known to spread hemlock woolly adelgid. Rather, State personnel have determined that the primary means of dispersal - pathway of highest risk - concerning the spread of the pest is transportation of nursery stock. The amended rule emphasizes regulation of this pathway.

FOR FURTHER INFORMATION, CONTACT: David Huber, Agency of Agriculture, Food and Markets, 116 State Street, Montpelier, VT 05620 Tel: 802-461-7160 Email: [david.huber@vermont.gov](mailto:david.huber@vermont.gov) URL: <https://agriculture.vermont.gov>.

FOR COPIES: Joshua Halman, Department of Forests, Parks and Recreation, 1 National Life Drive, Davis 2 Montpelier, VT 05620 Tel; 802-279-9999 Email: [joshua.halman@vermont.gov](mailto:joshua.halman@vermont.gov).

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Vermont Joint Quarantine No. 1 (Scleroderris Canker).

Vermont Proposed Rule: 21P026

AGENCY: Agriculture, Food & Markets

CONCISE SUMMARY: Joint Quarantine #1 was established to control the spread of Scleroderris Canker – a disease which can cause mortality in species of pine trees. This filing is to repeal the Scleroderris Canker Joint Quarantine. The repeal is necessary because there has been a substantial lack of evidentiary findings or complaints regarding this disease in Vermont and phytosanitary certificates have not been requested by the

regulated community. The repeal is necessary because online records demonstrate this disease has not been reported in the state going back to at least 2011. Since State personnel have not detected this disease, this quarantine cannot be justified because continuing to maintain the rule may cause unnecessary worry for the public and regulated community. Additionally, nursery rules already regulate the primary means of dispersal - moving the fungus on live trees. The rule is not needed to export pine products from Vermont.

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